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Central Intelligence Agency

Washington, D.C. 20505

31 July 1984

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Dear

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This is in response to your letter of 1 March 1978 in which you appealed this Agency's constructive denial of your request of 26 January 1978 for "a copy of any material released...since Jan. 1, 1978 relating to the alleged diversion of nuclear material from the NUMEC plant at Apollo, Pa." You will recall we advised by our letter to you of 7 July 1978 that we understood your 26 January request to be for the document entitled "Prospects for Further Proliferation of Nuclear Weapons". This letter is also in response to yours of 8 December 1978 in which you appealed this Agency's non-response concerning four CIA documents which were referred to us by the Nuclear Regulatory Commission (NRC) following your 2 March 1978 request to the NRC for "access to all material...relating to the Commission inquiry into the testimony of the Executive Director for Operations...not included in the three volumes of material relating to this inquiry released to Congress and the press." However, since one of the four documents referred to us by the NRC was the document previously identified by us as "Prospects for Further Proliferation of Nuclear Weapons," your appeal was found to concern the four documents identified below.

Your letters have been presented to the Central Intelligence Agency Information Review Committee. Pursuant to the authority granted by section 1900.51(a) of Chapter XIX, Title 32 of the Code of Federal Regulations, the Committee as a body, I, Harry E. Fitzwater, Deputy Director for Administration, and Mr. John H. Stein, Inspector General, individually, have reviewed the documents, the determinations made with respect to them and the propriety of applying the exemptions contained in the Freedom of Information Act, as amended (FOIA). The Committee has reviewed Document No. 1 and Attachment No. 4 to Document No. 4, which are identical. I have reviewed Document No. 2 and Attachment Nos. 1 through 3 of Document No. 4, while Mr. Stein has reviewed Document Nos. 3 and 4. A description of each document and the determination made with respect to it is as follows:

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Document No. and Description	Determination	FOIA Exemption Basis
1. Memorandum, 4 Sep. 1974, "Prospects for Further Proliferation of Nuclear Weapons"	Denied in entirety	(b)(1) and (b)(3)
2. Letter, 22 Dec. 1977	Release in part	(b)(3)
3. Letter, 21 Feb. 1978	Denied in entirety	(b)(1), (b)(3) and (b)(5)
4. Note, 28 Jan. 1978, with attachments as below	Denied in entirety	(b)(5)
1. Memorandum, 2 Oct. 1974	Release in entirety	
2. Cover Sheet, 2 Oct. 1974	Release in entirety	
3. Cover Sheet, 3 Oct. 1974	Release in entirety	
4. Memorandum, 4 Sep. 1974, "Prospects for further proliferation of nuclear weapons"	Denied in entirety	(b)(1) and (b)(3)

NOTE: Attachment No. 4 is identical to Document No. 1 above.

For your information, exemption (b)(1) of the FOIA encompasses matters which are specifically authorized under criteria established by the appropriate Executive order to be kept secret in the interest of national defense or foreign policy and which are in fact currently and properly classified. Exemption (b)(3) pertains to information exempt from disclosure by statute. The relevant

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statutes are subsection 102(d)(3) of the National Security Act of 1947, as amended, 50 U.S.C. §403(d)(3) which makes the Director of Central Intelligence responsible for protecting intelligence sources and methods from unauthorized disclosure, and section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. §403g, which exempts from the disclosure requirement information pertaining to the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency. Exemption (b)(5) pertains to internal communications such as drafts, memoranda between officials or agencies and opinions and interpretations prepared by an agency's staff personnel or consultants.

Enclosed you will find copies of those portions of the above-listed documents which it has been determined on appeal can be released to you. In accordance with the provisions of the Freedom of Information Act, as amended, you have the right to seek judicial review of the above determinations in a United States district court.

We regret that our response to your letters of appeal has been so long delayed and we appreciate your patience in this matter.

Sincerely,

Harry E. Fitzwater
Chairman
Information Review Committee

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21 MAY 1981

[redacted] STAT

Dear [redacted] STAT

This letter is a followup to previous correspondence you you have received relative to the first paragraph of your 5 May 1981 letter. This acknowledges the Freedom of Information request made in the second paragraph of your referenced letter regarding a public statement attributed to Mr. Carl Duckett. You have asked for the release of "any information from agency files on such statements." While we are not quite clear as to what you mean by "such statements," we assume you are referring to the statement attributed to Mr. Duckett which was published in The New York Times on 2 May 1981.

We shall search this Agency's files for any information responsive to the statement made by Mr. Duckett and, if any documents are located, we shall review same for releasability. We shall provide you the results as soon as feasible.

A copy of our schedule of fees is enclosed. You will be notified if it appears that the costs of processing the request will exceed $25. Please inform us immediately if you do not agree to pay all of the reasonable search and duplication fees incurred in processing your request.

As you may know, the heavy volume of FOIA requests received by the Agency has resulted in processing backlogs. Since we will be unable to respond within the 10 working days stipulated by the Act, it is your right to construe this as a denial, subject to appeal to the CIA Information Review Committee. It would seem more reasonable, however, for us to

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continue processing your request and to respond as soon as feasible. Any denials of records, could be appealed at that time. Unless we hear from you otherwise, we will assume that this is agreeable to you and we will proceed on this basis.

Sincerely,

John E. Bacon
Information and Privacy Coordinator

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[redacted] STAT

18 MAY 1981

Dear [redacted] STAT

This will serve to confirm matters recently discussed in a telephone conversation with a member of my staff following our receipt of your 5 May 1981 letter which requested a status report on any FOIA requests or appeals which are currently being processed by this Agency on your behalf.

Our records show that we are currently processing one non-response appeal which combines our review of a document entitled "Prospects for Further Proliferation of Nuclear Weapons" responsive to your initial request dated 26 January 1978, and a referral of four documents from the Nuclear Regulatory Commission dated 5 May 1978 which includes the above entitled document as one of the four. Please note for your records that these requests have been combined under our number [redacted] STAT and any further inquiries concerning this appeal should reference this number.

In addition to this appeal, we are currently processing one initial request, a referral from the Department of Energy pursuant to your request to that agency which we received on 9 August 1978. Any inquiries about this initial request should reference our number [redacted] STAT

In your conversation, you also inquired about the total of thirteen documents which the NRC has referenced in correspondence to you as involving CIA review. Of these thirteen documents, four are the documents being processed by this Agency under [redacted] (above), and the remaining nine were NRC- STAT originated documents which have been returned to that agency for direct response to you. We have been assured by that agency that their response to you has been completed, and if you wish any further details, we would suggest that you contact NRC directly.

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Finally, your letter of 5 May 1981 stated that: "In view of public statements on the matters concerned in these requests, by C. Duckett, I would also appreciate release of the requested information, and any information from agency files on such statements." In conversation, you stated that you intend this as a new FOIA request based upon the content of a recent Washington Star recent write-up of an interview with Carl Duckett. This request will be reviewed and acknowledged by an initial case officer, and we will be in further touch if any additional information is required prior to processing.

Sincerely,

John E. Bacon
Information and Privacy Coordinator

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ILLEGIB STAT May 5, 1981 ILLEGIB

ILLEGIB

Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

FREEDOM OF INFORMATION REQUEST

Dear Sir:

I enclose a copy of my July 17, 1980 letter requesting information on the status of various FOIA requests and appeals before your agency. I seem to recollect that there was a response to this letter, but cannot locate such in my files. If possible, I would appreciate a copy of any response.

In view of the recent public statements on the matters concerned in these requests, by C. Duckett, I would also appreciate release of the requested information, and any information from agency files on such statements. I request that any fees be waived in view of the substantial public benefit from such releases.

Cordially,

Enclosure

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